

2. It was a part and an object of the conspiracy that ELVIN GERMAN and VANESSA GOMEZ, the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television

communication in interstate and foreign commerce, writings, signs, signals, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Conspiracy to Commit Theft of Government Funds)

The Grand Jury charges:

3. From at least in or around May 2020 up to and including in or around March 2021, in the Southern District of New York and elsewhere, ELVIN GERMAN and VANESSA GOMEZ, the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, theft of government funds in the form of unemployment insurance benefits, in violation of Title 18, United States Code, Section 641.

4. It was a part and object of the conspiracy that ELVIN GERMAN and VANESSA GOMEZ, the defendants, and others known and unknown, would and did embezzle, steal, purloin, and knowingly convert to their use and the use of another, and without authority sell, convey, and dispose of records, vouchers, money, and things of value of the United States and a department and agency thereof, to wit, the United States Department of Labor, which exceeded \$1,000, and receive, conceal, and retain the same with intent to

convert it to their use and gain, knowing it to have been embezzled, stolen, purloined and converted.

Overt Acts

5. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about February 21, 2021, ELVIN GERMAN, the defendant, verified an application for unemployment insurance benefits for an individual that was not GERMAN in order to fraudulently obtain government funds.

b. On or about October 26, 2020, VANESSA GOMEZ, the defendant, deposited \$15,000 in U.S. currency in a bank account, which GOMEZ knew represented proceeds of the unemployment insurance benefits fraud scheme.

(Title 18, United States Code, Section 371.)

COUNT THREE
(Aggravated Identity Theft)

The Grand Jury further charges:

6. From at least in or about May 2020, up to and including at least in or about March 2021, in the Southern District of New York and elsewhere, ELVIN GERMAN and VANESSA GOMEZ, the defendants, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United

States Code, Section 1028A(c), to wit, GERMAN and GOMEZ transferred, possessed, and used the names, dates of birth, and social security numbers of other individuals in connection with the offense charged in Count One of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1),
1028A(b), and 2.)

FORFEITURE ALLEGATIONS

6. As the result of committing the offenses charged in Counts One and Two of this Indictment, ELVIN GERMAN and VANESSA GOMEZ, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses and the following specific property:

a. \$39,437.14 maintained in JPMorgan Chase Bank, N.A. in account number 000000191830950 in the name of Vanessa Gomez.

b. \$15,000.00 maintained in JPMorgan Chase Bank, N.A. in account number 000003383239786 in the name of Vanessa Gomez.

Substitute Assets Provision

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

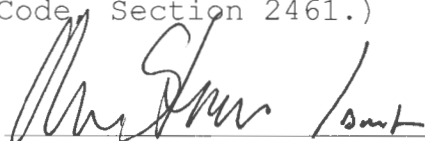
d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described above.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON


AUDREY STRAUSS
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

Elvin German, and
Vanessa Gomez,

Defendants.

INDICTMENT

21 Cr. ()

(18 U.S.C. §§ 1349, 371, and 1028A.)

AUDREY STRAUSS

United States Attorney


Foreperson

Indictment
Arrest Warrants
Filed 9/13/21
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JK

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